

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:16 CR 308-8
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
OCTAVIO RODRIGO,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of Octavio Rodrigo, which was referred to the Magistrate Judge with the consent of the parties.

On September 28, 2016, the government filed a 51 count Indictment, charging Defendant Octavio Rodrigo in three of those counts, with Conspiracy to Possess with Intent to Distribute Cocaine, Heroin and Fentanyl, in violation of Title 21 U.S.C. § 846, (Count 1) and Use of Communication Facility in Felon Drug Offense, in violation of 21 U.S.C. § 843(b), (Counts 30 and 38). Defendant Rodrigo was arraigned on January 6, 2017, and entered a plea of not guilty to Counts 1, 30 and 38 of the Indictment, before this Court. On February 13, 2018, Magistrate Judge Baughman, received Defendant Rodrigo's plea of guilty to Count 1 of the Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Octavio Rodrigo is found to be competent to enter a plea and to understand his constitutional rights.

He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Octavio Rodrigo is adjudged guilty of Count 1 of the Indictment, Conspiracy to Possess with Intent to Distribute Cocaine, Heroin and Fentanyl, in violation of Title 21 U.S.C. § 846. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will take place on May 24, 2018, at 2:00 p.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 16, 2018